

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FEDERAL CARBIDE COMPANY,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 3:15-cv-248
v.	)	
	)	Judge Kim R. Gibson
EXETER CONSTRUCTION, LLC., and	)	
DENNIS B. BALLARD,	)	
	)	
Defendants.	)	

**AFFIDAVIT IN SUPPORT OF AMOUNT OF ATTORNEYS' FEES  
PLAINTIFF INCURRED IN CONNECTION WITH MOTION FOR SANCTIONS**

I, William D. Wickard, hereby declare as follows:

1. I am over eighteen years of age, have personal knowledge of the matters set forth herein and am competent to testify thereto.
2. I am an attorney with the law firm K&L Gates, LLP and am a member in good standing of the bar of the Commonwealth of Pennsylvania.
3. I am counsel to Plaintiff Federal Carbide Company ("FCC").
4. On October 26, 2016, FCC filed a Motion for Sanctions [ECF No. 38] against Defendants Exeter Construction, LLC ("Exeter") and Dennis B. Ballard ("Ballard"; collectively the "Defendants") for failure to comply with Order of Court.
5. On November 22, 2016, this Court entered an Order [ECF No. 41] that, among other things, granted FCC's Motion for Sanctions; entered judgment in favor of FCC and against Exeter and Ballard; dismissed Exeter's Counterclaim with prejudice and scheduled a non-jury hearing on January 12, 2017 to determine damages due from Defendants to FCC in this case, including punitive damages and attorneys fees.

6. The November 22, 2016 Order [ECF No. 41] also required that: (i) Defendants pay the expenses, including attorneys' fees, incurred by FCC to bring the Motion for Sanctions pursuant to Federal Rule of Civil Procedure 37(b)(2)(C); and (ii) FCC submit an affidavit detailing the expenses, including attorneys' fees, FCC incurred in connection with bringing the Motion for Sanctions.

7. FCC incurred \$11,305.50 in attorneys' fees in connection with bringing the Motion for Sanctions.

8. The attorneys fees' FCC incurred to bring the Motion for Sanctions are shown in the below chart:

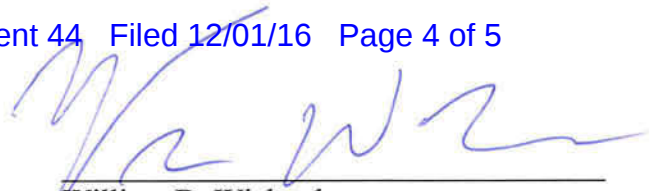
Date	Description	Attorney	Time	Hourly Rate	Total
10/07/16	Meet with B. Wickard regarding assignment to draft brief in support of a motion for sanctions and default judgment; review order to compel discovery	E. D. Fleury	0.40	270.00	\$ 108.00
10/07/16	Legal research regarding sanctions, default and dismissal; conference with E. Fleury regarding drafting brief for sanctions	W. D. Wickard	1.30	375.00	\$ 487.50
10/16/16	Review briefs and prior filings from Exeter litigation; research cases dealing with discovery sanctions requesting dismissal or default judgment	E. D. Fleury	10.80	270.00	\$ 2,916.00
10/17/16	Draft brief in support of FCC's motion for rule 37 sanctions	E. D. Fleury	3.70	270.00	\$ 999.00
10/17/16	Conference with E. Fleury regarding sanctions brief; review same; conference with J. Richey regarding same	W. D. Wickard	0.80	375.00	\$ 300.00

10/18/16	Analyze defendant's motion for impact on sanctions motion; draft brief in support of sanctions	W. D. Wickard	2.30	375.00	\$ 862.50
10/24/16	Edit and review sanctions filings; communications with team regarding same	J. L. Richey	1.20	475.00	\$ 570.00
10/24/16	Draft sanctions brief; draft attorney fee affidavit	W. D. Wickard	4.80	375.00	\$ 1,800.00
10/25/16	Draft brief in support of sanctions motion; draft sanctions motion; draft proposed order; communications with J. Richey regarding strategy	W. D. Wickard	4.90	375.00	\$ 1,837.50
10/26/16	Draft, revise, finalize and coordinate filing and service of motion for sanctions, brief in support of motion and attorneys' fee affidavit; discuss same and strategy with J. Richey	W. D. Wickard	3.80	375.00	\$ 1,425.00
<b>TOTAL</b>					<b>\$11,305.50</b>

9. The amount of hours worked and the descriptions of the work listed in the chart were taken from K&L Gates, LLP's billing records which are kept by K&L Gates, LLP in the ordinary course of business.

10. The counsel fees and costs listed in the above chart are fair, reasonable and do not represent duplicative work.

I declare pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

  
William D. Wickard

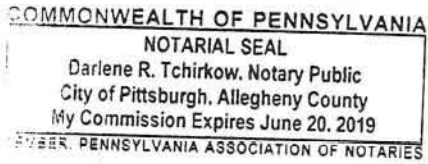
Sworn and subscribed before me

this 1st day of December, 2016



Notary Public

My commission expires:



**CERTIFICATE OF SERVICE**

I hereby certify that on December 1, 2016, a copy of foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system. The following parties will be served by regular U.S. mail:

Exeter Construction LLC  
Dennis B. Ballard  
371 Commerce Street  
P.O. Box 347  
Cheswold, Delaware 19936

And

415 S. Carter Road  
Smyrna, Delaware 19977

  
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William D. Wickard